



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 28, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

Robert Raben

Assistant Attorney General

SUBJECT:

Weekly Report for February 28, 2000 - March 3, 2000

The House returns on February 29.

KEY ISSUES

**CJS Appropriations:** On February 29, you are scheduled to testify before the Commerce, Justice, State and the Judiciary Subcommittee (Gregg, Chair) of the Senate Appropriations Committee for a hearing on behalf of the Department's FY 2001 budget. Staff of the Office of Legislative Affairs and the Justice Management Division believe that cybercrime and domestic terrorism preparedness will be two major areas of interest at this hearing. (Daley)

**Cybercrime:** On February 29, the Deputy Attorney General will testify before a joint hearing of the House Judiciary's Subcommittee on Crime (McCollum, Chair), and the Criminal Justice Oversight Subcommittee (Thurmond, Chair) of the Senate Judiciary Committee on cybercrime. The hearing will focus on several areas: ~~the nature and extent of recent~~ "denial of service" attacks; the sufficiency of current statutes; and the FY 2001 budget request to combat cybercrime. (Daley)

**Nominations:** We anticipate that the nominations of Randy Moss, to be Assistant Attorney General of the Office of Legal Counsel; Julio Fuentes, to be a United States Circuit Judge for the Third Circuit, and James Whittemore, to be a United States District Judge for the Middle District of Florida will be approved by the Senate Judiciary Committee at their business meeting on March 2.

On February 24, the Senate confirmed Kermit Bye, to be a United States Circuit Judge for the Eighth Circuit, and George Daniels, to be a United States District Judge for the Southern District of New York, each by a roll call vote of 98-0.

On February 28, the White House announced its intention to nominate Dan Marcus to be Associate Attorney General. (Scott-Finan)

**Takings:** On March 1, the House Judiciary Committee (Hyde, Chair) plans to mark up H.R. 2372, the Private Property Rights Implementation Act. The Office of Legislative Affairs sent a letter to the Subcommittee on the Constitution (Canady, Chair) this past September stating that you would recommend the President veto H.R. 2372 if it passed in its present form. (Pearlman)

## THE WEEK AHEAD

**Drug Enforcement Hearing:** On February 29, the Subcommittee on Criminal Justice, Drug Policy and Human Resources (Mica, Chair) of the House Government Reform Committee will hold a hearing on Mexican cooperation with U.S. drug enforcement efforts. Mary Lee Warren, Deputy Assistant Attorney General, Criminal Division, William Ledwith, DEA's Chief of International Operations, and John Montoya of the U.S. Border Patrol will testify before the Subcommittee. (Tanner)

**Administrative Dispute Resolution:** The Department has been invited to testify at a hearing on February 29 before the Commercial and Administrative Law Subcommittee (Gekas, Chair) of the House Judiciary Committee on H.R. 3312. This bill would clarify the Administrative Dispute Resolution Act to authorize the Merit Systems Protection Board (MSPB) to establish a pilot program to provide voluntary ADR programs for certain personnel actions. Jeffrey Senger, Deputy Counsel of the Office of Dispute Resolution, will testify before the Subcommittee. The Chairman of the MSPB and some private citizens have also been invited to testify.

**Internet Gambling:** On March 1, staff from the Office of Legislative Affairs and the Criminal Division will meet with staff from the Crime Subcommittee of the House Judiciary Committee in advance of the March 9 Internet gambling hearing. (Daley)

**Asbestos Compensation Legislation:** The House Judiciary Committee recessed without marking up H.R. 1283, the bill Chairman Hyde redrafted and made available for review just last week. It is now scheduled for markup on March 1. We are drafting bill comments for circulation, while we continue to work with Majority and Minority staff on this problematic legislation. (Wilson)

**BOP Issues:** On March 2, BOP Director Kathy Hawk Sawyer will testify before the House ~~Appropriations Subcommittee on Commerce, Justice, State and the Judiciary~~ (Rogers, Chair) on the BOP budget.

That same day, Director Hawk Sawyer will meet with staff for Congressmen Benjamin Gilman, Charles Rangel, Edolphus Towns, Congresswoman Nita Lowey and Senator Charles Schumer on religious issues and common fare. (Scott-Finan)

**Police Integrity:** On March 2, the Civil Rights Division's Chief of Staff Bill Yeomans and Acting Deputy Assistant Attorney General Stuart Ishimaru will meet with Congresswoman Lucille Roybal-Allard about the Los Angeles Police Department Ramparts Division. (Scott-Finan)

**Online Pharmacies:** On March 2, staff from the Office of the Associate Attorney General and the Office of Legislative Affairs will meet with House Commerce Committee staff to discuss online pharmacies. (Owen)

**Civil Rights Legislative Priorities:** On March 6, Acting Assistant Attorney General Bill Lann Lee and Chief of Staff Bill Yeomans will meet with minority staff for the House Judiciary Committee to discuss the Division's legislative priorities for this session of Congress. (Scott-Finan)

**Promising Drug Strategies:** On March 6, the Subcommittee on Criminal Justice, Drug Policy and Human Resources (Mica, Chair) of the House Committee on Government Reform plans to hold a field hearing in California on promising drug strategies. U.S. Attorney Paul Seave, DEA Special Agent in Charge, and Executive Director of the HHTA have been invited to testify. (Scott-Finan)

**International Postal Regulations Hearing:** On March 9, the Postal Subcommittee of the House Government Reform Committee (McHugh, Chair) plans to hold a hearing on international postal regulations.

**Abortion Issues:** The Child Custody Protection Act which makes it illegal to take a minor across state lines to obtain an abortion, is likely to come to the Senate floor for a vote this week. The Administration has a senior advisors veto threat on this bill.

The Senate Judiciary Committee was scheduled to vote on four subpoenas to private individuals involved in the transfer of fetal tissue. The vote was postponed and may occur this week. We anticipate the Committee will hold hearings in the near future on the sale of fetal tissue. Staff from the Office of Legislative Affairs have convened an informal working group within the Department on this issue, and we have been working with NIH and HHS to gather more information. (First)

#### **THE WEEK IN REVIEW**

**Unborn Victims of Violence Act:** The Senate Judiciary Committee (Hatch, Chair) held a hearing on February 23 on S. 1673, the Unborn Victims of Violence Act, which creates a separate federal crime for harming or killing a fetus during the commission of another crime. The House version of this bill (H.R. 2436) passed the full House last year. There is a senior advisors veto threat on the House bill. Eleanor D. Acheson, Assistant Attorney General, Office of Policy Development, testified for the Department. (First)

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**Pardons:** On February 24, the Senate Judiciary Committee (Hatch, Chair) approved by voice vote, S. 2042, the Pardon Attorney Reform and Integrity Act. It is presently unclear when, or if this bill will be considered on the Senate floor. (Pearlman)

**Bankruptcy:** Conferees have not yet been named. There are procedural and political details to be worked out before the formal conference will take place. We have provided the White House with preliminary comments compiled from Department components for inclusion in a letter to the Conferees. It is not clear what the timing will be for the Conference. (Wilson)

**Cybercrime Briefings:** On February 24, staff from the Office of Legislative Affairs, the Criminal Division and the Office of the Deputy Attorney General held a conference call with staff of Representative Scott's Subcommittee on Crime regarding cybercrime in preparation for the scheduled hearing on February 29. On February 25, representatives of the Office of Legislative Affairs and the Computer Crime and Intellectual Property Section briefed Senate Judiciary Subcommittee staff for Senator Thurmond in preparation for this joint hearing. (Daley)

**S. 2092:** On February 24, Senators Schumer and Kyl introduced legislation to amend the trap and trace authority which would lower barriers to federal prosecution of computer criminals, increase computer crime prosecutions by modifying a sentencing directive, and allow for prosecution of juvenile perpetrators of serious computer crimes. (Daley)

**Law Enforcement Steering Committee:** On February 24, staff from the Office of Legislative Affairs participated in a briefing on cybercrime organized by the Office of Intergovernmental Affairs. (Daley)

**Meeting on Firearms Legislative Issues:** On February 25, representatives of the Offices of Legislative Affairs and Policy Development attended a meeting, hosted by the White House Legislative Affairs Office, with Senate staff on firearms legislative issues and the President's firearms enforcement initiative. (Graupensperger)

**Meeting on Firearms Prosecution Statistics:** On February 25, representatives of the Office of Legislative Affairs, the Deputy Attorney General's Office and the Executive Office of U.S. Attorneys met with staff of Senators Thurmond and Sessions to discuss the Department's mechanisms for keeping track of firearms prosecution statistics. (Graupensperger)

**Meeting on Extradition Issues:** On February 25, representatives of the Office of Legislative Affairs and the Criminal Division met with staff of Congressmen Brady and Miller to discuss various issues related to extradition. (Graupensperger)

**BOP Facilities:** Staff from the Bureau of Prisons and the Office of Legislative Affairs met with staff for Senator Santorum on February 28 about the construction of the private prison facility at Phillipsburg, Pennsylvania. BOP has let the contract for this facility but had to issue a stop work order as a citizens group filed a lawsuit stating that BOP did not fully consider environmental issues. BOP has since had a public hearing and will be issuing an environmental assessment before the first of April. The ~~Pennsylvania Attorney General has issued an opinion that a privately run correctional institution is not~~ permitted under Pennsylvania law. Senator Santorum supports the building of this facility and wants to assist BOP. (Scott-Finan)